

VOLUME ONE

UNIVERSITY OF TORONTO

FACULTY OF LAW

LABOUR LAW:

OCCUPATIONAL HEALTH AND SAFETY

and

WORKERS' COMPENSATION

Course Materials

Edited by: Ronald Davis and Janis Sarra

2137
:
37
:

4089
BORA LASKIN LAW LIBRARY
SEP 3 1996
FACULTY OF LAW
UNIVERSITY OF TORONTO

VOLUME ONE

UNIVERSITY OF TORONTO

FACULTY OF LAW

LABOUR LAW:


OCCUPATIONAL HEALTH AND SAFETY

and

WORKERS' COMPENSATION

Course Materials

Edited by: Ronald Davis and Janis Sarra



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/labourlawoccupat01unse>

INDEX

	<u>Page</u>
M. Grossman, <i>The Law of Occupational Health and Safety</i> , (2nd ed.), Appendix 1, Historical documents	1
R. Johnson, <i>Laboured Breathing: Living with Brown Lung</i> (1982)	15
E. Leyton, <i>Dying Hard</i> (1975)	17
<i>Priestly v. Fowler</i> (1834) 150 All E.R. 1030	23
<i>Deverill v. The Grand Truck Railway Company</i> (1866) 25 U.C.Q.B. 517	32
<i>Dean v. Ontario Cotton Mills Co.</i> (1887) 14 O.R. 119	34
E. Tucker, <i>The Determination of Occupational Health and Safety Standards in Ontario, 1860-1982: from Market Politics to....?</i>	37
T.G. Ison, <i>The Dimensions of Industrial Disease</i>	43
G. Cwitco, <i>Labour Perspective on Science and Public Policy</i> , (1990) 11 Occupational Health in Ontario 40	47
R. Sass, <i>The Labour Process and Health: An Alternative Conception to Occupational Health and Safety</i>	52
J. Mendeloff, <i>Regulating Safety: An Economic and Political Analysis of Health and Safety Policy</i>	57
W. Viscusi, <i>Risk by Choice: Regulating Health and Safety in the Workplace</i>	62
R. Brown, <i>Unions, Markets and Other Regulatory Mechanisms: Theory and Evidence</i>	71
W. Viscusi, <i>Risk by Choice: Regulating Health and Safety in the Workplace</i>	94
E. Tucker, <i>The Determination of Occupational Health and Safety Standards</i>	97

J. Sarra,	<i>Protecting Workers' Reproductive Health: Lessons from Quebec and Other Statutory Regimes</i>	112
J. Fudge & E. Tucker,	<i>Reproductive Hazards in the Workplace: Legal Issues of Regulation, Enforcement and Redress</i>	116
Abel,	<i>A Socialist Approach to Risk</i>	121
C. Tuohy,	<i>Decision Trees and Political Thickets...</i>	129
J. Penney,	<i>Negotiating Ontario Standards</i>	132
J. Fudge & E. Tucker,	<i>Reproductive Hazards in the Workplace</i>	136
Braithwaite,	<i>To Punish or Persuade</i>	145
Ontario Ministry of Labour,	<i>Occupational Health and Safety Division Facts and Figures</i>	167
Ontario Ministry of Labour,	<i>Policy Statement Regarding Orders</i>	172
OPSEU,	<i>Submission to the McKenzie Laskin Inquiry (1986)</i>	177
R. Fidler,	<i>The Occupational Health and Safety Act and the Internal Responsibility System</i>	188
<i>U.E. v. Camco Inc</i>	[1985] OLRB REP OCT 1431	215
<i>Domtar Inc.</i>	[1988] OLRB REP AUG 780	225
<i>Auto Jobbers Warehouse Ltd.</i>	[1981] OLRB REP DEC 1715	245
J. Sarra,	<i>Protecting Workers' Reproductive Rights</i>	249
<i>American Healthcare</i>	[OSHA Adjudicator, August 6, 1991]	253
<i>Woodbridge Foam</i>	[OSHA Adjudicator, June 7, 1995]	258
Fudge & Tucker,	<i>Reproductive Hazards in the Workplace</i>	288
<i>Central Stampings Limited</i>	[OSHA Appeal, February 24, 1987]	303

<i>Kut-Kwik Mower and Ken Evraire</i> [OSHA Appeal, May 10, 1985]	306
<i>Kevin Egan</i> [OSHA Appeal, February 17, 1993]	310
<i>R. v. Cotton Felts Ltd</i> (1982) 2 C.C.C. (3d) 287 (Ont. C.A.)	326
<i>R. v. Cancoil Thermal Corporation</i> (1986) 14 O.A.R. 255 (Ont. C.A.)	331
<i>R. v. Rio Algom Ltd.</i> (1990) 1 C.O.H.S.C. 1 (Ont. C.A.)	336
Chelius, <i>The Influence of Workers' Compensation on Safety Incentives</i>	341
T. Ison, <i>Workers' Compensation in Canada</i>	343
WCB, <i>Employer Assessment Policy Manual</i>	345
Atiyah, <i>Accident Prevention and Variable Premium Rates of Work Connected Accidents</i>	350
WCB, <i>Experience Rating Booklet</i>	352
T. Ison, <i>Accident Compensation</i>	353
Atiyah, <i>Accident Prevention and Variable Premium Rates of Work Connected Accidents</i>	356
T. Ison, <i>Compensation for Industrial Disease under the Workers' Compensation Act of Ontario</i>	359
Weiler, <i>Protecting the Worker from Disability</i>	363
T. Ison, <i>Compensation for Industrial Disease</i>	368
T. Ison, <i>Commentary on Weiler, Reshaping Workers' Compensation in Ontario</i>	372
A. Yassi, <i>Occupational Disease and Workers' Compensation in Ontario</i>	374
J. Sarra, <i>Protecting Workers' Reproductive Health</i>	379

T. Ison., <i>Re The Uses and Limitations of Sanctions in Industrial Health and Safety</i>	388
H. Glasbeek, <i>A Role for Criminal Sanctions in Occupational Health and Safety</i>	394
M. Lowe, <i>Wanton and Reckless Disregard? The Case of Joseph Kuhle</i>	404
<i>General Tire Canada Inc. v. Ontario (Ministry of Labour)</i>	407
<i>C.A.W. Local 1987 v. Swindells and Manchester Plastics</i>	410
<i>C.U.P.E. v. Ontario, 8 C.O.H.S.C.</i>	415
<i>Zehrs Markets v. Ontario (Ministry of Labour) 8 C.O.H.S.C.</i>	420
<i>Association des Enseignantes v. Ontario, 10 C.O.H.S.C.</i>	422
<i>Accuride Canada Inc. v. Hutt and C.A.W. Local 27</i>	426
<i>C.A.W. v. Ontario (Ministry of Labour), 7 C.O.H.S.C.</i>	431
<i>Szeghalmi v National Plastic Profiles, 5 C.O.H.S.C.</i>	441
<i>Barry v. Bilt-Rite Upholstering Co., 6 C.O.H.S.C.</i>	451
<i>Brown v. Dr Everett Chalmers Hospital</i>	463
<i>Sharon Moore v. Barmaid's Arms [1995] OLRB Rep. March</i>	466
<i>General Motors v. Ministry of Labour & C.U.P.E. Local 27 (Muir)</i>	472
<i>C.A.W. Local 397 v. Ontario (Ministry of Labour) (Muir)</i>	495
<i>C.A.W. Local 1859 v. Ontario (Ministry of Labour) & Johnson Controls (Muir)</i>	499
<i>Elgin Middlesex Detention Centre v. Ministry of Labour & O.P.S.E.U. Local 108</i>	516
<i>O.P.S.E.U. v. Maplehurst Detention Centre (Blair)</i>	534
<i>O.P.S.E.U. v. Adult Occupational Centre (Blair)</i>	550

<i>Petrolia Police Association</i> (Stelmaszynski)	580
<i>Sault Ste. Marie Jail</i> (Wacyk)	583
<i>St. Thomas Psychiatric Hospital</i> (Randall)	594
<i>Brewers Retail Inc v Ontario (Ministry of Labour) & U.F.C.W Local 2782</i>	599
<i>OPSEU Local 329 v. Gibson, Stewart et al</i> (Novick) [2 decisions]	615
<i>C.A.W. v. PPG Canada Inc.</i> (Bradbury)	635
<i>Toronto Transit Commission</i> (Novick)	644
<i>Re Du Pont Canada Inc. & Nylon Workers Union</i>	684
<i>Re 442952 Ontario Inc. (Bourget Nursing Home Division) and U.S.W.A</i>	691
<i>Placer Dome Inc. v. U.S.W.A. Local 9171</i> (Leo Cote)	703
<i>Pauline Au v Lyndhurst Hospital</i> (OLRB, unreported decision, June 20, 1996)	720
L. Ellinson, <i>The Compensation of Occupational Disease in Ontario</i>	744
<i>Research in Canadian Workers' Compensation: Re-employment and Accommodation Requirements under Workers' Compensation</i>	753
<i>New Directions for Workers' Compensation and Reform</i> (January 1996)	763

